

AMENDED IN ASSEMBLY JANUARY 27, 2010

AMENDED IN ASSEMBLY JANUARY 19, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Joint Resolution

No. 24

Introduced by Assembly Member Bonnie Lowenthal

(Coauthor: Assembly Members Adams, Ammiano, Arambula, Beall, Bill Berryhill, Tom Berryhill, Blakeslee, Block, Blumenfield, Bradford, Brownley, Buchanan, Caballero, Charles Calderon, Chesbro, Coto, Davis, De La Torre, De Leon, DeVore, Eng, Evans, Feuer, Fletcher, Fong, Fuentes, Furutani, Hagman, Hayashi, Hernandez, Hill, Huber, Huffman, Jones, Lieu, Logue, Ma, Mendoza, Monning, Nava, Nestande, John A. Perez, Portantino, Ruskin, Salas, Saldana, Silva, Skinner, Solorio, Swanson, Torres, Torrico, Tran, Villines, and Yamada)

August 24, 2009

Assembly Joint Resolution No. 24—Relative to marine air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AJR 24, as amended, Bonnie Lowenthal. Marine pollution: air pollution.

This resolution would respectfully request that the International Maritime Organization, a specialized agency of the United Nations, adopt the North American Emission Control Area, as proposed by the United States, Canada, and France at the 60th session of the Marine Environment Protection Committee, scheduled for March 2010.

Fiscal committee: no.

1 WHEREAS, The international treaty regulating and preventing
2 marine pollution by ships is known as the International Maritime
3 Organization's International Convention for the Prevention of
4 Pollution from Ships, 1973, as amended at London in February
5 1978, and is also known as the MARPOL Protocol; and

6 WHEREAS, Amendments to the MARPOL Protocol were made
7 in 1997 to add Annex VI (MARPOL Annex VI), which defines
8 and sets standards for the regulation, reduction, and prevention of
9 air exhaust emissions from ships, and includes the United States
10 as a signatory nation; and

11 WHEREAS, Upon ratification by 15 nations, representing over
12 one-half of the world's shipping tonnage, MARPOL Annex VI
13 went into effect on May 19, 2005; and

14 WHEREAS, The Legislature of the State of California, in
15 Assembly Joint Resolution 8 on August 22, 2005, memorialized
16 the federal government to ratify MARPOL Annex VI and
17 encouraged the United States Environmental Protection Agency
18 to subsequently pursue creation of a North American Sulfur
19 Emission Control Area; and

20 WHEREAS, MARPOL Annex VI acquired the force of law in
21 the United States with the enactment of the Maritime Pollution
22 Prevention Act of 2008, after which the United States deposited
23 its instruments of ratification with the International Maritime
24 Organization, a specialized agency of the United Nations with 168
25 member states (IMO); and

26 WHEREAS, The Marine Environment Protection Committee
27 (MEPC) of the IMO adopted significant revisions to MARPOL
28 Annex VI on October 10, 2008; and

29 WHEREAS, MARPOL Annex VI, as revised October 10, 2008,
30 includes an enhanced provision for signatory states to petition the
31 IMO to designate an Emission Control Area (ECA), a geographic
32 zone where the adoption of special mandatory measures regarding
33 emissions from ships is required to prevent, reduce, and control
34 air pollution from nitrogen oxide (NO_x) or sulfur oxide (SO_x) and
35 particulate matter emissions; and

36 WHEREAS, The United States and Canada submitted a proposal
37 for the creation of a North American ECA; and

38 WHEREAS, MEPC approved a request by France to add the
39 Saint Pierre and Miquelon Archipelago to the proposed North
40 American ECA; and

1 WHEREAS, The 59th session of MEPC approved the revised
2 proposal for formal circulation with a view to adoption at the
3 committee's 60th session in March 2010; and

4 WHEREAS, The petition for a North American ECA cannot be
5 formally adopted by the IMO until the next MEPC session in
6 March 2010; and

7 WHEREAS, The creation of a North American ECA will lead
8 to reductions in NO_x, SO_x, and diesel particulate matter (PM)
9 emissions that will in turn result in direct and indirect
10 environmental and public health benefits throughout the United
11 States and Canada and will lead to the expanded availability of
12 low sulfur fuel for the international maritime trade; and

13 WHEREAS, Interstate and foreign maritime trade activity
14 through California's seaports is crucial to the overall health of the
15 state, national, and international economies, facilitates the creation
16 of millions of jobs with higher than average wages, and contributes
17 billions of dollars in federal, state, and local tax and fee revenues;
18 and

19 WHEREAS, The creation of a North American ECA will
20 provide emissions reductions and air quality benefits on a national
21 and international basis; and

22 WHEREAS, The State Air Resources Board adopted regulations
23 for ocean-going vessels (13 Cal. Code Regs. 2299.2 and 17 Cal.
24 Code Regs. 93118.2) that are more stringent than the current fuel
25 regulations under MARPOL Annex VI, the Maritime Pollution
26 Prevention Act of 2008, and the interim fuel standards under the
27 ECA proposed by the United States, Canada, and France; and

28 WHEREAS, MARPOL Annex VI, the Maritime Pollution
29 Prevention Act of 2008, and the subsequent ECA proposal to the
30 IMO by the United States Environmental Protection Agency are
31 complimentary to California's more stringent fuel standards for
32 ocean-going vessels; and

33 WHEREAS, The California regulations for ocean-going vessels
34 will terminate as soon as international regulations become as or
35 more protective of Californian's health and the environment as
36 California's regulations; and

37 WHEREAS, The California regulations for ocean-going vessels
38 provide great benefits for, and are necessary for the protection of,
39 the health of Californians and the environment; now, therefore, be
40 it

1 *Resolved by the Assembly and the Senate of the State of*
2 *California, jointly,* That the Legislature respectfully requests that
3 the International Maritime Organization adopt the North American
4 Emission Control Area, as proposed by the United States, Canada,
5 and France at the 60th session of the Marine Environment
6 Protection Committee, scheduled for March 2010; and be it further
7 *Resolved,* That the Chief Clerk of the Assembly transmit copies
8 of this resolution to the Secretary-General of the International
9 Maritime Organization, the Marine Environment Protection
10 Committee of the International Maritime Organization, the
11 President and Vice President of the United States, to the Speaker
12 of the House of Representatives, to each Senator and
13 Representative from California in the Congress of the United
14 States, to the United States Environmental Protection Agency, to
15 the United States Coast Guard, to the United States Secretary of
16 State, to the United States Permanent Representative to the United
17 Nations, to the French and Canadian Consulates located in
18 California, and to the author for appropriate distribution.